

MILMAN LABUDA LAW GROUP PLLC

3000 MARCUS AVENUE
SUITE 3W8
LAKE SUCCESS, NY 11042

TELEPHONE (516) 328-8899
FACSIMILE (516) 328-0082

December 29, 2022

VIA ECF

United States District Court
Southern District of New York
Attn: Hon. Gabriel W. Gorenstein, U.S.M.J.
500 Pearl Street, Courtroom 6B
New York, NY 10007-1312

MEMORANDUM ENDORSED

Re: Trinidad, et al. v. 62 Realty, LLC, et al.
Case No.: 1:22-cv-101 (JLR) (GWG)
MLLG File No.: 149-2022

Dear Judge Gorenstein:

This firm represents the Defendants in the above-referenced case together with Smikun Law, PLLC. Defendants write jointly with Plaintiffs to respectfully request, *nunc pro tunc*, a three-week extension (*i.e.* from December 28, 2022 to January 18, 2023) of the time period for submitting their anticipated joint letter motion for settlement approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015). The parties also request a three-week extension of each date in the Court-Ordered briefing schedule for Plaintiffs' attorneys' fees application. See ECF Docket Entry 85.

Pursuant to this ¶ 1(E) of this Court's Individual Practices, the parties respectfully submit that:

- (i) the date sought to be extended on the joint letter motion for settlement approval is December 28, 2022 as set forth in the Hon. Jennifer L. Rochon, U.S.D.J.'s Order dated December 15, 2022. See ECF Docket Entry 85. The new, proposed date is January 18, 2022. The current and proposed briefing schedules for Plaintiff's anticipated fee application is as follows: (i) currently, December 29, 2022 for plaintiffs to file their motion for legal fees and costs; proposed new date: January 19, 2023; (ii) currently, January 20, 2023 for Defendants' opposition papers; proposed new date: February 10, 2023; and (iii) currently, February 3, 2023 for Plaintiffs' reply papers in further support; proposed new date: February 24, 2023. Plaintiffs were also due to provide Defendants with a copy of their "history bill" no later than December 20, 2022. The parties propose an extension to January 10, 2022.¹

(ii-iii) there have been no previous requests to extend these deadlines;

¹Defendants reserve all rights to challenge Plaintiffs' counsel's time records, as they are entitled to accurate and contemporaneous time records.

(iv) the reason for the requested extensions is that the parties need additional time to negotiate the terms of a full written settlement agreement and the holidays have otherwise impeded on the parties' ability to do the same and comply with the fee application deadlines;

(v) this is a joint request and, as such, all parties consent; and

(vi) this request does not affect any other scheduled deadlines and/or appearances.

Accordingly, good cause exists to extend the deadline for the parties to submit the joint letter motion for settlement approval and extend the fee application briefing schedule as set forth above. See Fed. R. Civ. P. 6(b)(1)(A). The parties thank this Court for its time and attention to this case.

Dated: Lake Success, New York
December 29, 2022

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s
Emanuel Kataev, Esq.
3000 Marcus Avenue, Suite 3W8
Lake Success, NY 11042-1073
(516) 328-8899 (office)
(516) 303-1395 (direct dial)
(516) 328-0082 (facsimile)
emanuel@mllaborlaw.com

Dated: Fresh Meadows, New York
December 29, 2022

SMIKUN LAW, PLLC

/s Alan Smikun, Esq.
Alan Smikun, Esq.
17625 Union Turnpike, Suite 402
Fresh Meadows, NY 11365-1515
(718) 928-8820 (office)
smikunlaw@gmail.com

Attorneys for Defendants

VIA ECF
Rapaport Law Firm, PLLC
Attn: Marc Andrew Rapaport, Esq.
80 Eighth Avenue, Suite 206
New York, NY 10011-5100
(212) 382-1600 (office)
(212) 382-0920 (facsimile)
mrapaport@rapaportlaw.com

The deadline for the letter seeking settlement approval is extended to January 18, 2023. The letter shall address the claims and defenses in the cases; the defendants' potential monetary exposure and the bases for any such calculations; the strengths and weaknesses of the plaintiffs' case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiffs' claims and the settlement amount; the litigation and negotiation process; and any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The deadline for the application for attorney's fees is extended to January 19, 2023. Briefing thereafter shall be in accordance with paragraph 2.B of the Court's Individual Practices.

The deadline to submit the consent form is extended to January 13, 2023. If the parties have not agreed to consent to have the undersigned disposed of either or both motions, they shall file a joint letter by that date so stating (without revealing which party or parties did not consent).

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

December 29, 2022